

BOROUGH OF HAMPTON

REGULAR MEETING

May 15, 2023

Mayor Todd Shaner called the Regular Meeting of the Hampton Borough Council to order at 7:30p.m. and gave the Open Public Meetings Act Statement. The notice of this meeting was advertised in the Hunterdon Democrat on January 12, 2023. The notice was posted on the public bulletin board and is on file in the Office of the Municipal Clerk.

Roll Call: Present: Mayor Shaner Rob Celentano
Doug Rega Carroll Swenson
Jeff Tampier Rob Wotanowski

Absent: John Drummond (Excused)

The following people were also present: Matt Lyons, Attorney, Kathy Olsen, CFO, Alan Brower, CPWM

APPROVAL OF MINUTES:

Motion by Cm. Rega, second by Cm. Celentano to approve the Minutes of the April 17, 2023 Regular Meeting of the Borough Council.

Voice vote: All ayes, motion carried.

Comments and Questions from the Public: NONE

Communications:

Notice of Public Hearing from the County of Hunterdon re: THE PROPOSED SALE OF THE PROPERTY COMMONLY KNOWN AS THE HUNTERDON COUNTY TRANSFER STATION/MATERIALS RECOVERY FACILITY, PETTICOAT LANE, CLINTON TOWNSHIP, TO BE HELD ON JUNE 6, 2023 AT 5:30 AT THE FREEHOLDER MEETING ROOM AND JUNE 27, 2023 AT 5:30PM AT THE CLINTON TOWNSHIP PUBLIC SAFETY BUILDING.

Letter from NJDOT re: Applications being accepted for the NJDOT Fiscal Year 2024 Transportation State Aid Program – Due Date July 1st.

Tax Collector Collection Report April 2023

UNFINISHED BUSINESS:

Motion by Cm. Celentano, second by Cm. Wotanowski to open the Public Hearing on the following Ordinance No. 02-2023.

ORDINANCE NO. 02-2023 – ORDINANCE TO EXCEED THE BUDGETS LIMITS AND ESTABLISH A CAP BANK – CALENDAR YEAR 2023

ORDINANCE NO. 02-2023

CALENDAR YEAR 2023

ORDINANCE TO EXCEED THE BUDGET APPROPRIATIONS LIMITS AND ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Hampton, County of Hunterdon, hereby determines that this difference in the amount of \$9,683.99 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption

Voice vote, all ayes. Motion carried.

Mayor Shaner opened the Public hearing, there were no comments or questions.

Motion by Cm. Wotanowski, second by Cm. Celentano to close the Public Hearing on the Ordinance No. 02-2023.

Voice vote. All ayes, motion carried.

Motion by Cm. Celentano, second by Cm. Rega to adopt Ordinance No. 02-2023.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Wotanowski, second by Cm. Rega to open the Public Hearing on the following Ordinance No. 03-2023.

ORDINANCE 03-2023

ORDINANCE TO AMEND CHAPTER 157-3 OF THE LAND DEVELOPMENT ORDINANCE AND CHAPTER 163 OF THE LAND DEVELOPMENT ORDINANCE

WHEREAS, the "Time of Application" Law, and amendment to the Municipal Land Use Law, was signed on May 5, 2010 and took effect on May 5, 2011; and

WHEREAS, the effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether an ordinance is amended subsequent to such an application and subsequent caselaw has clarified the legislation to state the applicable municipal ordinances are those that are in place at the time an application, which includes all "documents required by ordinance for approval", is submitted; and

WHEREAS, the Borough of Hampton's Land Development Ordinance does not account for this change to the Municipal Land Use Law; and

WHEREAS, the Borough of Hampton also seeks to update regulations to require tree parts, litter, brush, and other debris to be removed from sites timely and disposed of properly; and

NOW THEREFORE BE IT ORDAINED; the Governing Body of the Borough of Hampton adopts the following:

SECTION 1: PART II: GENERAL LEGISLATIONS, CHAPTER 157 LAND DEVELOPMENT, SECTION 157-3 IS AMENDED AS FOLLOWS (additions shown as thus; deletions shown as ~~thus~~):

Complete Application

An application form completed as specified by this chapter and the rules and regulations of the Planning Board and all accompanying documents required by the applicable land use application checklist, as determined by the Planning Board. Alternatively, the Planning Board may waive some items on the checklist and determine that the necessary documents have been submitted such that they deem the application complete.

SECTION 2: PART II: GENERAL LEGISLATIONS, CHAPTER 163 LITTERING IS AMENDED AS FOLLOWS (additions shown as thus; deletions shown as ~~thus~~):

163-11. Debris removal

All debris consisting of tree parts, litter, brush, and other natural debris shall be removed from the property within 30 days of creation. Said debris shall not be transferred to another site in the Borough of Hampton without the appropriate approval from the Borough.

163-~~11~~ 12 Violations and penalties
Voice vote: All ayes, motion carried,

Motion by Cm. Wotanowski, second by Cm. Celentano to close the Public Hearing on the Ordinance No. 03-2023.

Voice vote. All ayes, motion carried.

Motion by Cm. Celentano, second by Cm. Rega to adopt Ordinance No. 03-2023.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Rega, second by Cm. Wotanowski to adopt the following Resolutions No. 43-2023 and 44-2023:

**RESOLUTION # 43-2023
TO DEFER LOCAL DISTRICT SCHOOL TAXES**

WHEREAS, the Local District School Tax for the year July 1, 2022 to June 30, 2023 was raised in the 2022 Tax Levy in the sum of \$2,609,423.00 and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$1,304,711.50,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hampton, County of Hunterdon, that the Deferred School Tax for Local District School purpose be 50% of the Tax Levy or the sum of \$1,304,711.50 as of December 31, 2022.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

RESOLUTION # 44-2023

TO DEFER REGIONAL DISTRICT HIGH SCHOOL TAXES

WHEREAS, the Regional District High School Tax for the year July 1, 2022 to June 30, 2023 was raised in the 2022 Tax Levy in the sum of \$781,090.00 and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$390,545.00,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hampton, County of Hunterdon, that the Deferred School Tax for Regional District High School Purpose be 50% of the Tax Levy or the sum of \$390,545.00 as of December 31, 2022.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Rega, second by Cm. Wotanowski to open the Public Hearing on the 2023 MUNICIPAL BUDGET (RESOLUTION NO. 45-2023).

Voice Vote. All ayes, motion carried.

Mayor Shaner opened the Public Hearing, there were no comments or questions from the public.

Motion by Cm. Wotanowski, second by Cm. Celentano to close the Public Hearing on 2023 Municipal Budget.

Voice Vote. All ayes, motion carried.

Motion by Cm. Celentano, second by Cm. Wotanowski to adopt the 2023 Municipal Budget as presented.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

School Study – Nothing to report.

Lumberyard – Alan Brower reported that boring WAS DONE AN REPORT WILL BE RECEIVED SOON.

Municipal Liens – Borough Attorney Lyons reported that 9 letters were mailed. There have been no responses to the letters. Borough Attorney Lyons will get information regarding the cost for proceeding with foreclosing on the properties.

Reports of Committees:

Cm. Swenson – Alan Brower, Water Operator reported there are only 8 meters left to replace.

Cm. Celentano – Reported that Dr. Kerr, Hampton School Superintendent would like to form a Community Advisory Committee to help to come up with ideas for the school.

Rega, Wotanowski, Tampier – no reports.

MUNICIPAL CLERK’S REPORT:

Borough Clerk Leidner noted that Statewide can provide the required harassment training during evening hours, possibly prior to a Council Meeting.

Motion by Cm. Rega, second by Cm. Celentano to adopt the following Resolution No. 46-2023:

RESOLUTION NO-46-2023

BE IT ORDAINED by the Borough Council of the Borough of Hampton in the County of Hunterdon and State of New Jersey as follows:

That the following position titles within the Borough of Hampton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2023:

<u>POSITION</u>	<u>SALARY</u>
Mayor	\$ 2,500.00
Council Member	2,100.00
Borough Clerk	67,963.55
Deputy Borough Clerk	17.00/Hr.
Chief Financial Officer	27,998.49
Assessor of Taxes	10,632.94
Assessment Search Officer	100/1000 Search
Collector of Taxes	16,414.01
Custodian	65.00/Cleaning
Secretary to the Planning Board	5,862.72
Director of Emergency Management	1,953.20
Municipal Violations Officer	4,365.81
Crossing Guard	20.00/Hour
Director of Public Works	75,183.37
Assistant Director of Public Works	32.00/Hour
Public Works Employee#1	21.00/Hour
Public Works Employee#2	18.53/Hour
Laborer	16.27/Hour
Zoning Officer	4,437.66
Mileage Per Mile	PER IRS REGULATIONS
Water Clerk	16,987.63
Treasurer Water Company	6,383.54
Water Company Inspector	14,438.99
Assistant Water Company Inspector	Included in Asst. DPW Dir.
Weekend Pump Check	55.00/Per Diem
Recycling Coordinator	1,000.00/Annum

The foregoing Resolution shall take effect immediately upon passage and publication thereof according to law.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Rega, second by Cm. Celentano to adopt the following Resolution No. 47-2023 pending receipt of Tax Clearance:

RESOLUTION NO. 47-2023

WHEREAS, there is a need to promote safety for public gatherings in the Borough of Hampton, and

WHEREAS, the Borough Council may impose reasonable restrictions on a case by case basis to insure adequate health and safety,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hampton sets the following restrictions on the issuance of all Plenary Retail Consumption Licenses and Club Licenses:

If the holder of a Plenary Retail Consumption License plans to present an event featuring eight or more entertainers or which is advertised outside the limits of the Borough of Hampton and at which more than two hundred participants can reasonably be anticipated, the license holder must appear before the Borough Council at least forty-five days prior to the date of the event to demonstrate the following:

- A. That adequate provisions have been made for parking.**
- B. That adequate security measures have been taken.**
- C. That the premises are adequately equipped for such events in**

Compliance with all state and local health and fire officials.

D. That all precautions have been taken to protect the health, safety, Comfort and well being of the residents of the Borough of Hampton.

BE IT ALSO RESOLVED that nothing in this restriction is to be used to inflict any hardship on any person in the Borough of Hampton. The single purpose of this Resolution is to insure the public good, and

BE IT FURTHER RESOLVED that persons desiring a Plenary Retail Consumption License and Club License are to sign a statement that they have read and understood this Resolution and that they consent to the imposition of this Special Condition, and

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hampton, County of Hunterdon, State of New Jersey that a Club License be issued for the term 2023/2024 to the following as described by Licensee Name and License Type:

License Name: Hampton Fire Company A Non Profit Corporation of NJ

Trade Name: Hampton Fire Company

License Type: Club License

License Number: 1013-31-004-002

License Term: 2023/2024

BE IT FURTHER RESOLVED, that a copy of this Resolution certified to be a true copy by the Borough Clerk be forwarded to the Division of Alcoholic Beverage Control.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski
Absent: Drummond
All ayes: Motion carried.

Motion by Cm. Rega, second by Cm. Celentano to adopt the following Resolution No. 48-2023 pending receipt of Tax Clearance:

RESOLUTION NO. 48-2023

WHEREAS, there is a need to promote safety for public gatherings in the Borough of Hampton, and

WHEREAS, the Borough Council may impose reasonable restrictions on a case by case basis to insure adequate health and safety,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hampton sets the following restrictions on the issuance of all Plenary Retail Consumption Licenses and Club Licenses:

If the holder of a Plenary Retail Consumption License plans to present an event featuring eight or more entertainers or which is advertised outside the limits of the Borough of Hampton and at which more than two hundred participants can reasonably be anticipated, the license holder must appear before the Borough Council at least forty-five days prior to the date of the event to demonstrate the following:

- A. That adequate provisions have been made for parking.
- B. That adequate security measures have been taken.
- C. That the premises are adequately equipped for such events in Compliance with all state and local health and fire officials.
- D. That all precautions have been taken to protect the health, safety, Comfort and well being of the residents of the Borough of Hampton.

BE IT ALSO RESOLVED that nothing in this restriction is to be used to inflict any hardship on any person in the Borough of Hampton. The single purpose of this Resolution is to insure the public good, and

BE IT FURTHER RESOLVED that persons desiring a Plenary Retail Consumption License are to sign a statement that they have read and understood this Resolution and that they consent to the imposition of this Special Condition, and

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hampton, County of Hunterdon, State of New Jersey that a Plenary Retail Distribution License for the term 2023/2024 be issued to the following as described by Licensee Name and License Type:

License Name: Sanu Liquor License LLC
Trade Name: Hampton Wine & Spirits
License Type: Plenary Retail Distribution
License Number: 1013-44-005-004

BE IT FURTHER RESOLVED, that a copy of this Resolution certified to be a true copy by the Borough Clerk be forwarded to the Division of Alcoholic Beverage Control.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

Motion by Cm. Swenson, second by Cm. Rega to approve the Mayoral Appointment of Karen Cunningham as an Alternate on the Planning Board.

Voice vote: All ayes, motion carried.

Motion by Cm. Swenson, second by Cm. Rega to approve the Application for Membership to the New Jersey Firemen's Association for Teresa (Tara) Miles and for the Mayor and Clerk to sign the application.

Voice vote: All ayes, motion carried.

Motion by Cm. Wotanowski, second by Cm. Celentano to authorize the Mayor to sign the NJABC Permit Application for a One Day Social Affair Permit submitted by the Hampton Fire Company Duck Race to be held on October 7, 2023.

Roll call vote: Celentano, Swenson, Tampier, Wotanowski

Absent: Drummond Abstain: Rega

All ayes: Motion carried.

PARK RENTAL APPLICATION FOR APPROVAL:

Motion by Cm. Wotanowski, second by Cm. Rega to approve the following Park Rental Application:

Application from Hampton School for use of the Borough Park on Friday June 9 (Rain date Monday June 12) from 9-noon for a Graduation Picnic. Approximately 24 participants.

Voice vote: All ayes, motion carried.

Motion by Cm. Wotanowski, second by Cm. Celentano to approve the following Park Rental Application:

Application received from Hampton Fire Company for use of the Borough Park on Saturday October 7 from 1PM to 11:30PM for a Duck Race. Approximately 100-200 participants.

Voice vote: Abstain: Tampier All ayes, motion carried.

RAFFLE LICENSE FOR APPROVAL:

Raffle License Application received from the Hampton Fire Company Ladies Auxiliary to hold an Off Premise Merchandise Raffle on June 13, 2023 and June 27, 2023.

Voice vote: All ayes, motion carried.

Bills and Claims: Motion by Cm. Rega, second by Cm. Wotanowski to authorize the CFO to pay bills listed on the May 15, 2023 Bill list and to pay bills between meetings.

Roll call vote: Celentano, Rega, Swenson, Tampier, Wotanowski

Absent: Drummond

All ayes: Motion carried.

**Motion by Cm. Tampier, second by Cm. Wotanowski to adopt the following Resolution
No. 49-2023:**

RESOLUTION AUTHORIZING EXECUTIVE SESSION

RESOLUTION NO. 49-2023

WHEREAS, the Open Public Meetings Act; N.J.S.A. 10:4-6 et seq., declares it to be the public policy of the State to ensure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the N.J.S.A. 40:4-12B5; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hampton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic (s) as permitted by N.J.S.A. 40:4-12:

Attorney Client Privilege Potential Litigation

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subjects identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: One Year

BE IT FURTHER RESOLVED that the Mayor and Borough Council for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Voice vote, all ayes. Motion carried

The meeting was closed to the public at 7:50pm for Executive Session for the purpose of a single matter Attorney Client Privilege/Potential Litigation.

Motion by Cm. Wotanowski, second by Cm. Rega to close the Executive Session at 8:09pm.
Voice vote, all ayes. Motion carried

Adjournment: Motion by Cm Swenson second by Cm. Rega to adjourn the Regular Meeting of the Hampton Borough Council. Voice Vote: All ayes, motion carried.

The meeting adjourned at 8:10p.m.

Respectfully submitted,

Linda Leidner, RMC
Municipal Clerk